

REMARKS

Introduction

Claims 1, 3-6, 8-11, 23, 24, 26-29, 39 and 40-45 are pending, of which claims 1, 23, 26, 40, 41, 44 and 45 are the pending independent claims. Claim 45 is canceled. New independent claims 46 and 47 are added and are supported at least by FIG. 33 and paragraphs 59 and 60 of the published application.

The Rejections – All Of The Art Rejections Are Obviousness Rejections

The Examiner rejected claims 1, 3-6, 10, 23, 39-45 under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,280,527 to Gullman (“Gullman”) in view of U.S. Patent No. 6,792,083 to Dams et al. (“Dams”).

The Examiner rejected claims 26-29 under 35 U.S.C. §103(a) as allegedly obvious based upon Gullman in view of Dams and U.S. Patent No. 6,161,005 to Pinzon (“Pinzon”).

The Examiner rejected claims 1, 3-6, 8, 10, 11, 23, 24, 39-45 under 35 U.S.C. §103(a) as allegedly obvious given U.S. Published Application No. 2003/0018478 to Mays (“Mays”) in view of a combination of Dams and Gullman.

We respectfully traverse these rejections.

The Gullman, Pinzon, and Mays References

The Examiner rejects the pending claims over various combinations of the Gullman, Pinzon, and Mays references with the Dams reference. The Gullman, Pinzon, and Mays references were discussed in the amendment filed November 3, 2009, which arguments and discussion are incorporated by reference herein. These arguments are omitted for the sake of brevity because the Examiner relies solely on the Dams reference with respect to the claimed subject matter regarding an analysis comprising:

analyze a first voice signal received by the security code source unit via a speaker dependent voice analysis, and

in response to a failure of the speaker dependent voice analysis to recognize the first voice signal *without further analysis of the first voice signal* and *without necessity of a failure of a voice independent analysis*, analyze a secondary access signal received by the security code source unit and selected from the group consisting of a second voice signal received by the security code

source unit and code received through a user controlled keypad in operative communication with the security code source unit

as recited in new claim 46. The other independent claims, while of different scope, recite similar subject matter. We respectfully submit that the Dams reference cannot be relied upon to teach or suggest this subject matter.

Dams requires a speaker independent analysis of a first spoken command before a “higher level” analysis is performed.

The Examiner asserts that the combined features such as those recited above are disclosed in Dams and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dams with the other applied references in the direction of the claims.

The claims require a sequential analysis of two different voice signals. A first voice signal is analyzed by a voice dependent analysis. Should this analysis fail, and only in response to failure of this analysis, a second utterance received after the first voice signal is analyzed with a voice independent analysis without further analysis of the first voice signal.

Dams describes an apparatus configured to build templates of speaker independent and dependent analysis of utterances. Dams at FIG. 3 (included below for the convenience of the reader) requires a speaker dependent analysis of a first utterance at blocks 54, 56, and 58. If the speaker dependent analysis fails, Dams discloses moving to a speaker independent analysis of the same utterance at blocks 66 and 68. “If the recognition in block 68 has led to a failure . . . , a higher level measure [at block 72] is taken such as asking the user person to repeat the question or command or requesting a non-speech entry.” Dams at col. 4, lines 35-39. Dams describes the purpose of the “higher level measures” follows:

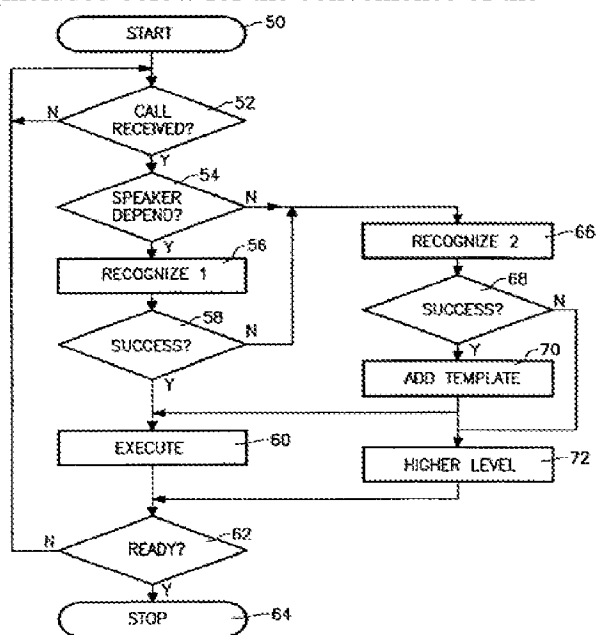


FIG. 3

This allows to automatically update the stored body of templates for so continually improving the performance of the system. In fact, the combination of an unrecognized speech item and the subsequent ascertaining of the meaning of the unrecognized speech item will combine to update the stored body of templates.

Dams at col. 4, lines 54-59.

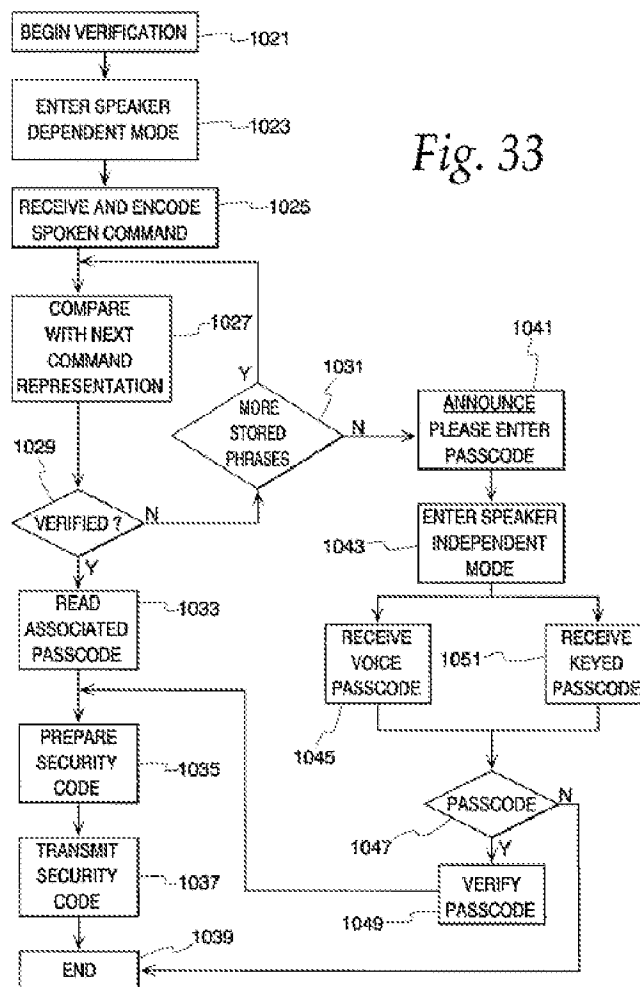
Dams also discloses that the voice dependent and voice independent analyses “may be executed coexistently, the decision for success or otherwise then occurring at a correspondingly other location in the diagram.” Dams at col. 4, lines 44-47. At no time does Dams describe or suggest execution of the higher level measures without performing the speaker independent recognition procedures of blocks 66 and 68 of FIG. 3.

Accordingly, Dams cannot suggest performing a speaker independent voice analysis:

- 1) *in response to a failure of the speaker dependent voice analysis to recognize the first voice signal,*
- 2) *without further analysis of the first voice signal,* and
- 3) *without necessity of a failure of a voice independent analysis.*

FIG. 33 of the pending application, included at right, illustrates this process between the speaker dependent analysis of blocks 1023 to 1031, receiving a second passcode in blocks 1045 and 1051 in a speaker independent mode 1043, analyzing the passcode without further analysis of or failure of a voice independent analysis of the first utterance.

The Examiner relies on the suggestion of Dams that its system can perform the speaker dependent and speaker independent analyses “coexistently” to



conclude “the speaker dependent and speaker independent procedures (steps 58 and 68) are interpreted as speaker dependent procedure as claimed in the present application.” Office action of February 18, 2010 at pages 10 and 14-15.

We respectfully assert the Examiner’s analysis is flawed. This interpretation of Dams ignores that even if the speaker dependent and speaker independent analyses are performed together, the speaker independent analysis must be performed. If the speaker independent analysis must be performed before reaching the higher level measures of Dams, Dams cannot suggest the recitation that the speech independent analysis of the claims is done “*without necessity of a failure of a voice independent analysis.*”

Accordingly, all of the claims distinguish over the combination of Dams with any of the other applied references. All of the independent claims (1, 10, 23, 26, 40, 41, 44, 46 and 47) contain distinguishing subject matter as described above, and hence, Dams cannot be used by the Examiner to reject the claims under 35 U.S.C. 103 as described in the office action.

Thus, we respectfully request that the rejections of the claims under 35 U.S.C. §103(a) be withdrawn.

Conclusion

For the above-mentioned reasons, we respectfully request reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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